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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

O.D.D. INVESTMENT, L.P., D.D.O., INC.,
DANIEL N. SILNA, OZZIE SILNA, DONALD
SCHUPAK, THE ROBIN SILNA 1997 TRUST,
ROBIN SILNA, THE JEFFREY SILNA 1997

Adv. Pro. No. 10-05372 (SMB)

TRUST, JEFFREY SILNA, THE SILNA FAMILY
INTER VIVOS TRUST, SPENCER SILNA,
SAMANTHA SILNA, and SOPHIE SILNA,

Defendants.

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL
OF ADVERSARY PROCEEDING WITHOUT PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants O.D.D. Investments, L.P., D.D.O., Inc., Daniel N. Silna, Ozzie Silna, Donald Schupak, the Robin Silna 1997 Trust, Robin Silna, the Jeffrey Silna 1997 Trust, Jeffrey Silna, The Silna Family Inter Vivos Trust, Spencer Silna, Samantha Silna, and Sophie Silna, by and through their counsel, Wachtel Missry (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 9, 2010, the Trustee filed the complaint against O.D.D. Investments, L.P., D.D.O., Inc., Daniel N. Silna, Ozzie Silna, Donald Schupak, the Robin Silna 1997 Trust, Robin Silna, the Jeffrey Silna 1997 Trust, Jeffrey Silna, The Silna Family Inter Vivos Trust, Spencer Silna, Samantha Silna, and Sophie Silna. The complaint was served on March 14, 2011.

2. On September 17, 2015, O.D.D. Investments, L.P., D.D.O., Inc., Daniel N. Silna, Ozzie Silna, Donald Schupak, the Robin Silna 1997 Trust, Robin Silna, the Jeffrey Silna 1997 Trust, Jeffrey Silna, The Silna Family Inter Vivos Trust, Spencer Silna, Samantha Silna, and Sophie Silna served an answer on the Trustee.

3. On January 29, 2016, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [Dkt. No. 3181].

4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal without prejudice of the Trustee's claims against O.D.D. Investments, L.P., D.D.O., Inc., Daniel N. Silna, Ozzie Silna, the Robin Silna 1997 Trust, Robin Silna, the Jeffrey Silna 1997 Trust, Jeffrey Silna, The Silna Family Inter Vivos Trust, Spencer Silna, Samantha Silna, and Sophie Silna in the above-captioned adversary proceeding and dismissing the adversary proceeding without prejudice, subject to the right of the Trustee to move *ex parte* to re-open this adversary proceeding in the event of an uncured default in the installment payments to seek entry of judgment pursuant to the stipulation for entry of judgment, as set forth in the settlement agreement.

5. The provisions of this stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this stipulation shall be deemed an original.

Dated: March 14, 2016

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Schupak, the Robin Silna 1997 Trust, Robin Silna,
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Family Inter Vivos Trust, Spencer Silna, Samantha
Silna, and Sophie Silna*

SO ORDERED

Dated: March 14th, 2016
New York, New York

/s/ STUART M. BERNSTEIN
HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE